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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/048,043 | 05/14/2002 | Heiko Faubel | 13470.1614USWO | 1175 |
| 23552 | 7590 | 03/09/2005 | EXAMINER | |
| MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903 | | | DOUYON, LORNA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1751 | |
| DATE MAILED: 03/09/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,043

Applicant(s)

FAUBEL ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to ~~communication(s) filed on~~ RCE filed December 27, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2004 has been entered.

2. Claims 1-3, 5-11, 14 and 15 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamm (US Patent No. 5,885,949).

Stamm teaches a tableted household cleaning composition for cleaning glass and other hard surfaces which comprises an acidic component like carboxylic acids, a basic component like alkali metal carbonates and polyvinyl alcohol (see abstract). The tableted household cleaner can be made by first blending sodium lauryl sulfate and carbonate, mixing with the acid and polyvinyl alcohol to form a free-flowing powder that is pressed into tablet form (see col. 5, lines

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5-35). The tablet may have any suitable size according to manufacturing and consumer preferences, for example, the tablet weighs up to about 5 grams when used for cleaning windows and glass and up to about 30 grams when used for cleaning other hard surfaces (see col. 5, lines 36-42). To use as a glass gleaner, one tablet is placed in a suitable amount of water, generally about 500 milliliters and the resulting solution can be sprayed onto the surface to be cleaned using a spray bottle (see col. 5, lines 43-51). To clean hard surfaces other than glass, one tablet may be dissolved in about 500 milliliters of water (see col. 5, lines 53-61). Stamm, however, fails to disclose a tablet having a water soluble shell surrounding a solid cleaner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the polyvinyl alcohol of Stamm to provide as a water soluble shell surrounding the acid and basic components because Stamm teaches that these ingredients are thoroughly mixed which would have caused the polyvinyl alcohol to surround the other ingredients.

5. Claims 1-3, 5-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gladfelter et al. (US Patent No. 5,234,615).

Gladfelter teaches a water soluble bag comprising a polyvinyl alcohol film containing pelletized hard surface cleaner comprising soda ash and anionic surfactant wherein the water soluble bag containing the pellets is contacted with water to form a solution and the solution is transferred to a 30 gallon tank containing 25 gallons of fresh water (see col. 30, lines 35-60). Gladfelter, however, fails to disclose a container having the recited holding capacity of 0.3 to 10 liters.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the size of the container in Gladfelter because a change in size of an article was held to be obvious, see *In re Rose*, 105 USPQ 237 (CCPA 195).

Response to Argument

6. Applicants' arguments filed December 27, 2004 have been fully considered but they are not persuasive.

With respect to the rejection based upon Stamm, Applicants argue Stamm does not teach or suggest a body having the recited shape nor does Stamm teach or suggest a water-soluble shell around the solid cleaner mass. Applicants also argue that mixing all the ingredients together, including PVA, before tableting, provides a resulting product that is generally homogeneous, with the PVA distributed throughout the tablet and that the pending application differs in that the solid cleaning mass is made and then the shell is provided surrounding the solid cleaning mass.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, in col. 5, lines 36-37, Stamm teaches that the tablet may have any suitable size according to manufacturing and consumer preferences. Hence, with this teaching there is a sufficient guidance and motivation to one of ordinary skill in the art to prepare a tablet which would read on the dimensions of the tablet of the present claims. In addition, a change in size is within the level of ordinary skill in the art, see *In re Rose*, 105 USPQ 237 (CCPA 195). With respect to the water soluble shell surrounding the solid cleaner mass, in col. 5, lines 5-35, Stamm teaches that the tablet is prepared by first mixing a granulate, which contains potassium bicarbonate and sodium lauryl sulfate, allowing to dry, then mixing with disodium citrate,

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potassium bicarbonate and polyvinyl alcohol before tableting, hence, the polyvinyl alcohol would have reasonably been expected to surround the granulate, citrate and bicarbonate during the mixing process, thus when the mixture is tableted, the resulting tablet, as a whole, would have resulted in a tablet whose outer surface is made up of polyvinyl alcohol which would read on the water-soluble shell of the instant claims.

With respect to the rejection based upon Gladfelter, Applicants argue that even though various dimensions and shapes are provided in Gladfelter, these do not lead one to the shape and size recited in the pending claims, and that the ranges of dimensions provided do not cover the ratio of length to width recited by the pending claims. Applicants also argue that Gladfelter does not teach or suggest a narrow elongate shape for the cleaning body as recited by the pending claims.

The Examiner respectfully disagrees with the above arguments because in col. 7, lines 17-22, Gladfelter teaches that a pellet can have the following dimensions: a width ranging from about 5 to 30 mm, a height ranging from about 10 to 80 mm, and a depth ranging from about 10 to 30 mm, whose dimensions overlap those recited. With respect to the narrow elongate shape, in col. 7, lines 30-37, Gladfelter teaches that the shape of the pellets used in the water soluble bag can vary and include any regular geometric shape including but not limited to the following: spherical, pyramidal, cubic, oblate, spheroid, prismatic, cylindrical, etc.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon

Lorna M. Douyon
Primary Examiner
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